UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

ALLIANZ GLOBAL RISKS U.S. INSURANCE COMPANY, as subrogee of Buffets Holdings, Inc.,	)	
Plaintiff,	)	No.: 07 C 7149
v.	)	Honorable: Samuel Der-Yeghiayan
NOVAK CONSTRUCTION,	)	
Defendant.	)	

MEMORANDUM

The Court has asked that the Plaintiff provide a Memorandum relating to the propriety of this case before this Court on the basis of diversity of citizenship. Below is Plaintiff's Memorandum regarding the same.

I. THE PARTIES

The present case involves a fire at the Old Country Buffet restaurant, located at 445 East Palatine Road in Arlington Heights, Illinois. The restaurant is operated as an Old Country Buffet by Buffet Holdings. Buffets Holdings was insured by Allianz Global Risks US Insurance Company. Allianz made payment to Buffets in the amount of $151,628.95. As a result of that payment, Allianz became subrogated to the rights of Buffets as against the party causing the loss. Plaintiff alleged that Novak Construction is responsible for that loss.

II. COMPLETE DIVERSITY

Plaintiff, Allianz Global Risks US Insurance Company, is a California corporation with its principal place of business located at 2350 Empire Avenue in Burbank, California. Buffets Holdings, Allianz's insured, is a Delaware corporation with its principal place of business located at 1461 Buffet Way in Eagan, Minnesota. Though Buffets is not a named plaintiff, Allianz is seeking to recover its deductible interest in this case. Novak Construction, the Defendant in this matter, is an Illinois corporation with its principal place of business in Chicago, Illinois.

Therefore, both Plaintiff and its insured have citizenship diverse from Defendant. As such, the present case is proper before this Court.

Respectfully submitted,

ALLIANZ INSURANCE COMPANY,
as subrogee of Buffets Holdings, Inc.

Dated: March 28, 2008

By: *s/Christina L. Pawlowski*
Christina L. Pawlowski
One of its attorneys

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CERTIFICATE OF SERVICE

I certify that on March 28, 2008 I electronically filed the foregoing Memorandum with the Clerk of the Court using the ECF system, which will send notification of such filing to the following: Timothy R. Couture and Michael J. Linneman.

Dated: March 28, 2008

By: *s/Christina L. Pawlowski*
Christina L. Pawlowski
One of its attorneys

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